



**Justice
Reinvestment
Initiative**
Minnesota



**Justice
Center**

Minnesota's Justice Reinvestment Initiative

Second Presentation to the Minnesota Sentencing Guidelines
Commission – February 10, 2022

The Minnesota Justice Reinvestment Initiative has two working groups with slightly different roles and responsibilities.

Governor's Council on Justice Reinvestment

- Provides strategic direction on the development of policy recommendations
- Creates momentum for adoption of policy recommendations
- Approves the Justice Reinvestment Initiative policy package

Delivery System Working Group

- Assesses the various community supervision models operating in the state
- Defines base-level supervision standards
- Identifies a balanced and sustainable funding model for Minnesota's community supervision system
- Establishes a pathway for tribal governments to supervise people on probation and supervised release

HF 63 charged the Delivery System Working Group with describing “how the state and counties can achieve an effective supervision system together, balancing local control with state support and collaboration.”

A proposal for **sustainable funding** of the state’s community supervision delivery systems

1

Definition of core standards in accordance with the state’s obligation to fund or provide supervision services

2

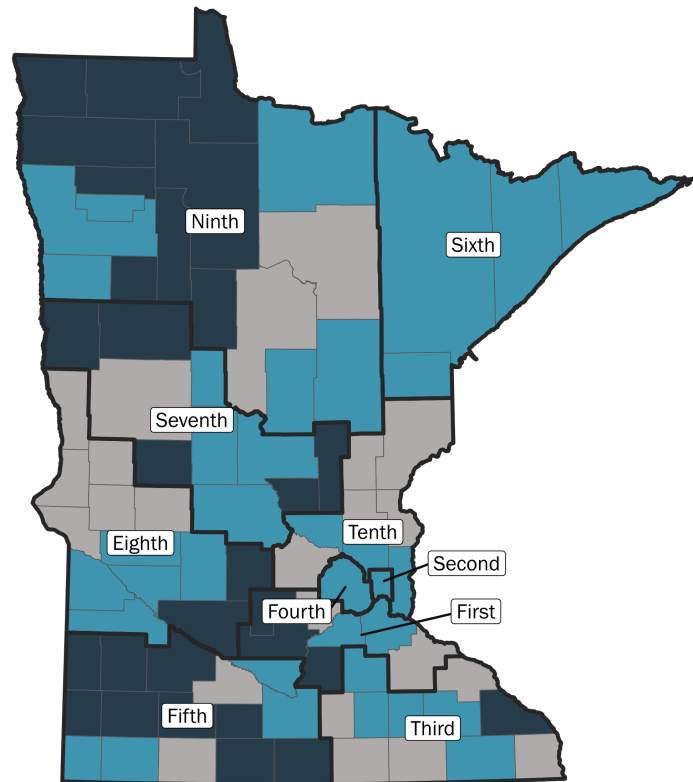
A plan for tribal government supervision of people on probation or post-release

3

HF 63 accessed Sept. 25, 2021, at http://wdoc.house.leg.state.mn.us/leg/LS92/1_2021/HF0063.2.pdf

Minnesota's community supervision system is unusual in that counties have three options.

Minnesota Counties by Probation Delivery System and Judicial District, 2021



- Community Corrections Act (CCA) agencies provide all probation services (*71% of all adult probation*)
- Department of Corrections (DOC) provides all probation services (*18% of all adult probation*)
- County Probation Officer (CPO) provides services for juveniles and adult non-felonies, while the DOC provides probation services for adult felonies (*11% of all adult probation*)

Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021).

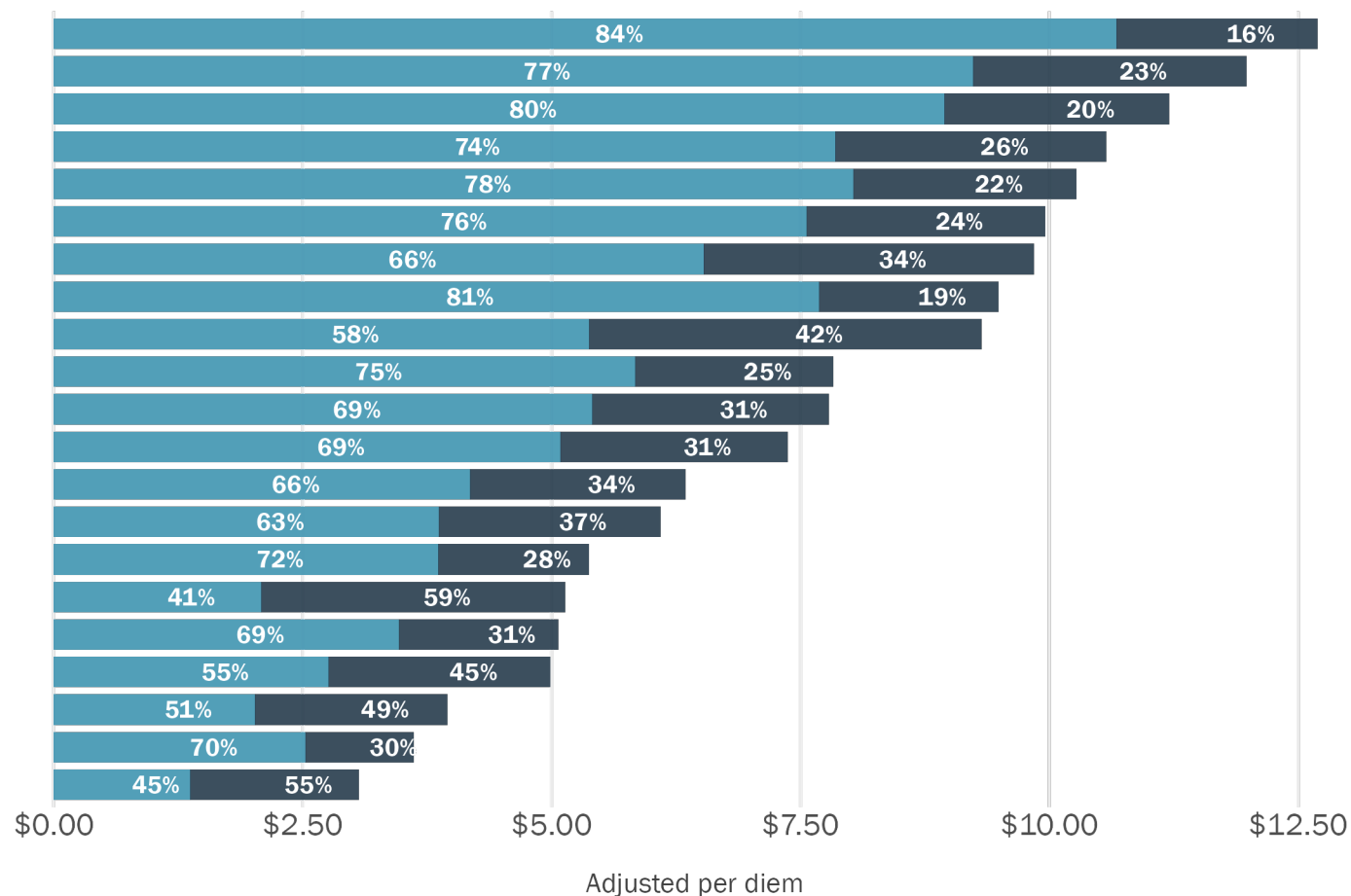
Key Findings: Funding

1. In 2020, Minnesota spent the lowest proportion of state general funds on corrections.
2. The state grant/subsidy funding mechanisms are different for each system and result in inequitable state investments in effective supervision practices.
3. The state grant/subsidy funding mechanisms are too complex.
4. The amount of state and county dollars spent on corrections varies dramatically by county and agency.
5. Counties contribute the majority of funds spent on community supervision.

CCA Agency Expenditures Per Person Per Day

Excludes adult and juvenile facilities expenditures

County DOC Subsidy



Per diem expenditures for CCA agencies range from \$3 to \$13 per person under supervision.

Some counties contribute more than **80 percent** of their CCA agency's budget, while 2 contribute **less than half**.

CCA Agency Comprehensive Plan Budgets, 2020–2021; Minnesota Probation Survey, 2020.

Key Findings: Community Supervision

1. There are inconsistent tools and use of risk and needs assessments, unvalidated instruments, and disconnection from case planning.
2. The workforce does not “look like” the clients on supervision, and there is no requirement for gender-specific or culturally specific training or programs.
3. There is a lack of consistent coaching and quality assurance for supervision officers.
4. Community programs vary in quality and availability, including mental health, substance use, batterer’s intervention, and problem sexual behavior treatment programs
5. Providers are inconsistent in what, how, and when they report information back to community supervision.

CSG Justice Center staff assessed various supervision systems in Minnesota.

Counties were selected to reflect the diversity of the state.

- 4–5 agencies from each delivery system—13 total
- Counties both large and small, by geography and population

CPO Assessment	Completed
Grant	✓
Itasca	✓
Mower	✓
Wright	✓
CCA Assessment	Completed
DFO	✓
Arrowhead Regional	✓
Morrison	✓
Hennepin	✓
Sherburne	✓
DOC Assessment	Completed
Beltrami	✓
Carver	✓
Clay	✓
Wright	✓

Reducing recidivism is about targeting the right people, using the right programs and practices, and ensuring program quality and effectiveness.

Nine Strategies of Supervision Based on the Principles of Effective Intervention	
1	Assess risk, needs, and responsivity.
2	Enhance intrinsic motivation.
3	Target interventions based on assessments and appropriate dosage.
4	Frontload interventions during a person's supervision term.
5	Ensure adequate investment in and access to proven programs (e.g., CBT).
6	Use assessment-driven case planning to facilitate behavior change.
7	Respond effectively to negative behavior and increase positive reinforcement.
8	Engage with supports in the community.
9	Measure outcomes and provide feedback.

Brad Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (National Institute of Corrections and Crime and Justice Institute, 2004), <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.

Begin with these four recommendations to improve supervision practices across all three delivery systems.

1

Use one set of tools validated on the MN population. Tools must be validated across gender, race, and ethnicity.

2

Develop a formalized case planning process across the three systems.

3

Create a statewide EBP coordinator, enhance statewide training, and support coaching and quality assurance staff in each system.

4

Require evidence-based treatment approaches for clients in the criminal justice system being served by community providers.

Key Findings: Tribal Supervision

1. Native American and Black people are overrepresented in the probation, supervised release, and prison populations.
2. For both adults and juveniles on probation, the DOC has the largest proportion of Native American clients.
3. Native American and Black people are reconvicted of felony offenses after starting probation at higher rates than White people on probation.
4. Minnesota can eliminate barriers and work with tribal leaders on a concrete plan for supervision

Compared to White people...

Native American
people on felony
probation
were

1.4x

more likely to be
reconvicted of a
felony within three
years

Native American
people on
misdemeanor
probation were

1.5x

more likely to have
a new probation
term within three
years

Black
people on felony
probation
were

1.2x

more likely to be
reconvicted of a
felony within three
years

Black
people on
misdemeanor
probation were

1.3x

more likely to have
a new probation
term within three
years

Adjusted relative rate index of predicted probability of incarceration or new probation term calculated using a logistic regression model, controlling for age, gender, race, offense type, offense level, and county size. N = 14,840, N = 49,298, N = 14,840, N = 49,298. Probation terms starting July 1, 2015–Dec 31, 2017. CSG Justice Center analysis of MN DOC probation data.

The policy options proposed and listed here are designed to ensure that the Minnesota supervision system is effective, equitable, and adequately resourced.

Summary of Policy Options

1. Ensure that counties are **equitably funded** and positioned to comprehensively implement evidence-based supervision.
2. Ensure **effectiveness and equity** across the probation systems.
3. Hold people on probation consistently **accountable**.
4. Prioritize **quality assurance** of supervision practices.
5. Reduce **racial disparities** across the supervision system.
6. Improve access to **behavioral health** care in the community for people under community supervision.
7. Ensure that **victims** of crime are meaningfully engaged in restorative supervision practices.
8. **Measure outcomes**.

JRI investments would increase capacity, workforce, and the state's contributions to a shared state/county responsibility.

Annual Investment for Justice Reinvestment Policy Recommendations

JRI Investment Recommendations		FY 2022-2023	FY 2024-2025
1	Base level investment in each county & tribe	\$21.3M	\$21.3M
2	Statewide quality assurance, training, and coaching team	\$2.0M	\$2.0M
3	Regional revocation caseloads and an innovation grant program	\$2.0M	\$15.0M
	Total up-front investment	\$25.3M	\$38.3M

Supplemental Budget FY2022–FY2023 Formula

Supplemental Budget FY2022– FY2023 Formula

\$250,000

+ [state **population** that lives in the county or tribe as a percentage of total state population]

+ [county **area** as a percentage of total state area]

+ [investment in felony supervision FTE*]

\$ allocated to each county

Principles

1. Regardless of supervision system, the Department of Corrections, counties, and tribes need increased capacity to implement effective community supervision.
2. Additional workforce is needed to supervise the felony, supervised release, and intensive supervised release populations, based on risks and needs. This provides immediate relief to public safety concerns in Minnesota.
3. There is an ongoing, shared responsibility for the state, counties, and tribes to invest in community corrections.

FY2024 and FY2025 (and beyond) Single Funding Formula

Supplemental Budget FY2022– FY2023 Formula

\$250,000

- + [state population that lives in the county or tribe as a percentage of total state population]
- + [county area as a percentage of total state area]
- + [% of **capitated rate** for each person on supervision]

\$ allocated to each county

Principles

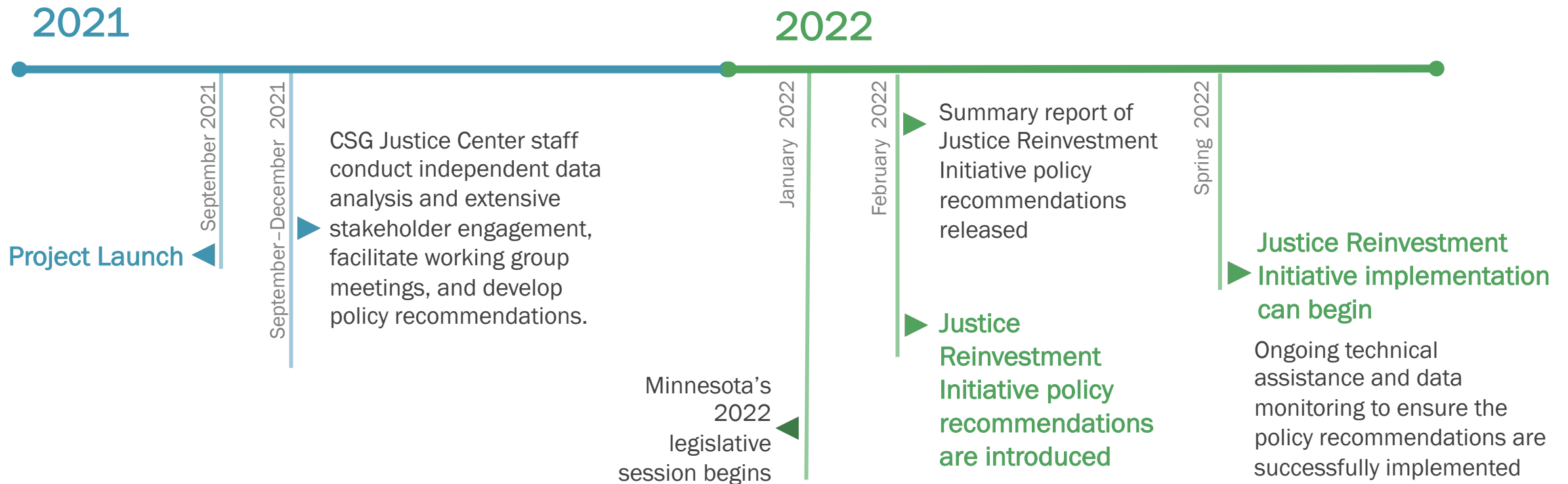
1. Regardless of supervision system, the Department of Corrections, counties, and tribes need increased capacity to implement effective community supervision.
2. **The level of state investment per person should be consistent with the risks and needs of the supervision population.**
3. There is an ongoing, shared responsibility for the state, counties, and tribes to invest in community corrections.

The Governor's Council on Justice Reinvestment will continue to meet through February and will decide which of these policies to propose to the legislature.

Co-Chairs

Kevin Reese Founder & Executive Director, Until We Are All Free	Sen. Julie Rosen Chair, Finance Committee	Sen. John Marty District 66	Rep. Rena Moran District 65A	Rep. Paul Novotny District 30A
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Minnesota's Justice Reinvestment Initiative will run through at least 2022.



Thank You!

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For more information, please contact Michelle Rodriguez at
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